

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLIATION NO.1282/06

Rajesh Kumar Ramprakash Malhotra Applicant

V/s.

The State of Maharashtra Respondent

Shri.Indrajeet Joshi Adv. for the applicant.

Miss.M.M. Deshmukh APP for the State.

CORAM : V.M. KANADE, J.

DATED : 07/04/06

P.C.:-

1. Heard the learned counsel for the applicant and the learned APP for the State.

2. This is an application for an anticipatory bail. The applicant has an apprehension that he is likely to be arrested in connection with C.R.No.115/2006 registered with Chembur Police Station, Mumbai for the offences punishable U/s.498 (a) and 336 of IPC, registered at the instance of the applicant's wife.

3. It is alleged that after divorce proceedings

were filed by the wife of applicant in the Family Court, Bandra, the present complaint has been filed after lapse of three years. The complainant is no longer residing with the applicant since last four years. Present complaint has been filed due to harassment by present applicant. Applicant has been sending SMS messages to the complainant. The complainant has given copy of SMS which have been sent by applicant to his wife. I have perused said messages which have been sent by present applicant. These messages are not obscene. No threat has been given by the applicant to the complainant in the said messages.

4. The learned counsel for the applicant after taking instructions from applicant, who is present in the court submits hereinafter the applicant shall not send SMS messages to the complainant. Statement of the applicant is accepted. In my view, custodial interrogation of the applicant is not necessary. Parties have already moved the Family Court for divorce.

5. The applicant, therefore, in the event of

arrest in connection with C.R.No.115/2006 registered with Chembur Police Station, Mumbai U/s.498(a) and 336 of IPC, be released on bail in the sum of Rs.10,000/- with one or two sureties in like amount.

6. The application is accordingly disposed of.

V.M. KANADE J.